

# HOUSE JOURNAL

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SEVENTY-FOURTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

SIXTEENTH DAY — TUESDAY, FEBRUARY 7, 1995

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 21).

Present — Mr. Speaker; Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carter; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Absent, Excused — Duncan.

Absent — Carona; Chisum; Wilson.

The invocation was offered by Ralph M. Smith, pastor, Hyde Park Baptist Church, Austin, as follows:

Dear Heavenly Father, in the multitude of counsellors there is wisdom, and in unity there is strength. From these chambers may there come wisdom for our problems. "Where there is no vision, the people perish." Lead our state leaders that they may lead us into paths of righteousness. Remind and reassure us that as our days are so will our strength be, through Jesus Christ our Lord. Amen.

## LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for today because of important business in the district:

Duncan on motion of Siebert.

## CAPITOL PHYSICIAN

Speaker Laney presented Dr. Flint DeShazo of Round Rock as the "Doctor for the Day."

The house welcomed Dr. DeShazo and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

### **INTERPRETER FOR THE DEAF**

The interpretation of the proceedings of the house was provided today by Sandra Rouse.

### **MESSAGE FROM THE SENATE**

Austin, Texas, February 7, 1995

The Honorable Speaker of the House of Representatives  
House Chamber

The Honorable  
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

**HCR 7** by Stiles and Price (Sponsor-Galloway), designating February 6, 1995, as Port Arthur Day.

**SCR 44** by Ellis, commending Hugh Powers for his many contributions to the Houston Chronicle.

**SB 221** by Zaffirini, relating to the waiver of tuition and fees for teachers attending federally funded teacher enhancement programs.

Respectfully,  
Betty King  
Secretary of the Senate

### **HCR 6 - ADOPTED**

Representative Glaze moved to suspend all necessary rules to take up and consider at this time **HCR 6**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Glaze,

**HCR 6**, Designating Wills Point as the Bluebird Capital of Texas.

(Carona now present)

The resolution was read and was adopted without objection.

### **HR 112 - ADOPTED**

Representative Kubiak moved to suspend all necessary rules to take up and consider at this time **HR 112**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Kubiak,

**HR 112**, Congratulating the Sealy High School football team.

The resolution was read and was adopted without objection.

On motion of Representative Uher, the names of all the members of the house were added to **HR 112** as signers thereof.

### INTRODUCTION OF GUESTS

The speaker recognized Representative Kubiak, who introduced T. J. Mills, coach, and the Sealy High School football team, 1994 UIL Class 3A state champions.

### HR 116 - ADOPTED

Representative Goolsby moved to suspend all necessary rules to take up and consider at this time **HR 116**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Goolsby,

**HR 116**, Commemorating the observance of Corrections Day, February 7, 1995.

The resolution was adopted without objection.

(Chisum now present)

### HR 109 - ADOPTED

Representative Counts moved to suspend all necessary rules to take up and consider at this time **HR 109**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Counts,

**HR 109**, Commending the Sweetwater Jaycees on their sponsorship of the World's Largest Rattlesnake Round-Up.

The resolution was read and was adopted without objection.

### HR 92 - ADOPTED

Representative Telford moved to suspend all necessary rules to take up and consider at this time **HR 92**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Telford,

**HR 92**, Commending Dr. Walter J. Wyrick, Sr., for his long service to the people of the Texarkana area.

The resolution was adopted without objection.

**HR 128 - ADOPTED**

Representative Place moved to suspend all necessary rules to take up and consider at this time **HR 128**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Place,

**HR 128**, Recognizing February 7, 1995, as Comanche Day at the Capitol.

(Wilson now present)

The resolution was read and was adopted without objection.

**HR 130 - ADOPTED**

Representative Oliveira moved to suspend all necessary rules to take up and consider at this time **HR 130**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Oliveira and Gutierrez,

**HR 130**, Congratulating Antonio O. Garza, Jr., on his appointment as secretary of state.

The resolution was read and was adopted without objection.

On motion of Representative Munoz, the names of all the members of the house were added to **HR 130** as signers thereof.

**INTRODUCTION OF GUEST**

The speaker recognized Representative Oliveira who introduced the Honorable Antonio O. Garza, Jr., secretary of state.

**HR 113 - ADOPTED**

Representative Kubiak moved to suspend all necessary rules to take up and consider at this time **HR 113**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Kubiak,

**HR 113**, Congratulating the Thorndale High School football team.

The resolution was read and was adopted without objection.

On motion of Representative Willis, the names of all the members of the house were added to **HR 113** as signers thereof.

**INTRODUCTION OF GUESTS**

The speaker recognized Representative Kubiak, who introduced Don Cowan, coach, and the Thorndale High School football team, UIL Class A state champions.

**SIGNED BY THE SPEAKER**

The speaker signed in the presence of the house, after giving due notice thereof, the following enrolled resolution:

**SCR 39****COMMITTEE APPOINTED**

The speaker announced the appointment of the following committee to escort Governor Bush to the speaker's rostrum: Representatives Brimer, chair, Giddings, Hilbert, Pitts, and Stiles.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

House Administration, postponed until 2 p.m. today, E2.010, Capitol Extension.

**HOUSE AT EASE**

At 10:38 a.m., the speaker announced that the house would stand at ease pending the arrival of guests.

The speaker called the house to order at 10:53 a.m..

**ADDRESS BY GOVERNOR GEORGE W. BUSH****(The House of Representatives and the Senate in Joint Session)**

In accordance with the provisions of **SCR 32**, providing for a joint session of the senate and the house of representatives at 11 a.m. today, for the purpose of hearing an address by the Honorable George W. Bush, Governor of the State of Texas, the Honorable Lieutenant Governor Bob Bullock and the honorable senators were announced at the door of the house and were admitted.

The senators occupied seats arranged for them.

Lieutenant Governor Bullock was escorted to a seat on the speaker's rostrum.

At 11 a.m., Governor George W. Bush, and his party, escorted by Senators Leedom, chair, Brown, Henderson, Ratliff, Bivins, and Sibley, committee on the part of the senate; and Representatives Brimer, chair, Giddings, Hilbert, Pitts, and Stiles, committee on the part of the house, were announced at the door of the house and, being admitted, were escorted to the speaker's rostrum.

Lieutenant Governor Bullock called the senate to order.

A quorum of the senate was announced present.

The Honorable James E. "Pete" Laney, Speaker of the House, called the house of representatives to order.

A quorum of the house was announced present.

Speaker Laney stated that the two houses were in joint session pursuant to **SCR 32** for the purpose of hearing an address by the Honorable George W. Bush.

Speaker Laney introduced Laura Bush, first lady of Texas; the Honorable Antonio O. Garza, Jr., Secretary of State; Elton Bomer, Insurance Commissioner; and some of the governor's senior staff: Joe Allbaugh, Executive Assistant; Reggie Bashur, Deputy Executive Assistant; Cliff Johnson, Senior Advisor; Dan Shelley, Legislative Director; Albert Hawkins, Budget Director; and Mike Weiss, Fiscal Policy Director.

Speaker Laney recognized Lieutenant Governor Bullock, who introduced the Honorable George W. Bush, Governor of the State of Texas, to the joint session.

Governor Bush addressed the joint session, speaking as follows:

I am pleased to be accompanied today by my wife. Laura has been moving our family into our new home and enrolling our twins in a new school. She also has been giving speeches all over the state. She has done it all in her graceful and unflappable style. She will be a fabulous First Lady, and I am proud to have her by my side.

I also want to recognize our new secretary of state, Tony Garza. Tony will serve not only as Texas' chief elections officer, but also as our chief liaison with our neighbors in Mexico. Mexico is an important friend and trading partner of Texas. Tony and I will work to foster a lasting and sound relationship.

I reached into your ranks in the Texas house to select an individual known for his fairness, integrity, and commitment to Texas: Elton Bomer. I want to thank Elton for his willingness to serve as Insurance Commissioner and for joining me today.

Thank you all for inviting me. I am honored to be with you in this historic chamber, your home, to share my vision for Texas.

We are going to face many difficult problems, and one of the options available to me is to declare an important issue a legislative emergency. Today, I have decided to exercise that power. I call upon you to swiftly pass an environmentally sound bill, a bill that is absolutely necessary to protect the state from "fowl" acts. It shall be known as the Killdeer Protection Act. After all, there is no telling when I might go hunting again.

Three weeks ago, I stood before you and the people of Texas and outlined my philosophy. Today, I ask your help in shaping laws based on those principles.

Our goal is to make Texas a beacon state—a state so unique, so different that people will say that is where I want to live, that is where I want to raise my family and realize my dreams.

I recognize we can best achieve this goal by working together.

Governor Bullock and Speaker Laney, two fine gentlemen, I want to personally thank you for helping my family and me feel welcome in our new home.

I also truly appreciate the spirit of cooperation that has characterized our early work together. It shows we know our task is to serve the great people of Texas. Our profound obligation transcends typical politics.

Equally important, we share a conservative philosophy. Our philosophy says people must take responsibility for their lives and actions. It says all Texans must be held accountable for their behavior.

Our philosophy tells us we must trust local people to make decisions for their communities and their schools. I want to reiterate a thought from my inaugural address. I fully understand that when we free people to make decisions, some will make the wrong decisions. But mistakes made closest to the people are those most easily corrected.

Our philosophy tells us that unfunded mandates at any level of government are bad public policy.

Our philosophy tells us that strong families are the foundation for a successful society.

These are not partisan values, these are Texas values.

We have already shown the people of Texas we are above partisanship. Both the senate and the house are writing budgets that respect Texans' call for no new taxes. Chairmen Montford and Junell, Vice-Chairs Brown and Delisi, I applaud the work you and your budget committees are doing.

As we move forward, this spirit of bipartisanship and our shared philosophy must guide our actions.

During my campaign, I outlined four major priorities for Texas. Those four priorities—endorsed by the people of Texas on November 8th—shape my legislative agenda.

First, let me discuss an important issue that is moving quickly through the legislature.

The most important thing you and I can do to improve our economy and create jobs in Texas is to reform our civil justice system. We must restore public confidence by returning fairness and balance to our legal system.

Texas must end the frivolous and junk lawsuits which clog our courts, threaten producers, and delay justice for the deserving. Texans who are injured deserve swift justice and rapid compensation. All Texans, injured or not, deserve to know our courts are a place where everyone becomes equal before the law.

I urge you to put a meaningful cap on punitive damages; stop the practice of judge and court shopping; reform joint and several liability; discourage frivolous lawsuits; change the Deceptive Trade Practices Act; end double recovery; enact medical malpractice reform; and exempt public employees and civic volunteers from being personally sued for their good faith actions.

As you know, I have declared tort reform an emergency. We must act swiftly and boldly. Texans expect meaningful tort reform and will not tolerate piecemeal or watered-down changes. The scales of justice in Texas are out of balance. It is time to stand up and say "We Object."

Another major priority must be the education of our children. Education is to our state what national defense is to the federal government. If we do not do the job well, we risk our entire future. During my campaign, I met many dedicated and talented teachers, administrators, and school board members. Texas has the best education professionals in the country. We do not need to change the people. We must change the system.

We face two major issues: how to fund our schools and how to govern them.

The state's share of education funding has steadily declined in recent years, forcing local property taxes to skyrocket. We must reverse this trend. I

applaud your effort to do so by committing the lion's share of new state revenues to our public schools. This is far sighted leadership for Texas.

As we tackle the question of how to govern our schools, I will be guided by an unshakable belief in the power of local control. To encourage innovation, to seek excellence, we must free local teachers, parents, and administrators to design schools which fit their communities' needs.

Some have argued the system already allows local control. I disagree. Forcing school districts to seek 5,000 waivers from state rules and regulations is not local control—it is central control with permission slips.

As we rewrite the education code, our mission is to create an education system that fosters change, creates an environment open to new ideas, and recognizes there are many ways to achieve educational excellence.

Here is one idea called "Home Rule Education Districts." Any school district which so chooses, by the will of the people in that district, should be able to declare itself free from any state mandate. So long as the district meets state standards, the local people should be free to chart the course to educational excellence.

The state has a role, but it is not to micromanage local districts. The state should set high standards and hold teachers and administrators accountable for results. Our measuring system should be stable and open for review. It must measure progress toward excellence in four core subjects—math, English, science, and social science. Today, we have too many education goals. When you have too many goals, you have no goals.

Texas must also have safe classrooms. We must adopt one policy for those who terrorize teachers or disrupt classrooms—zero tolerance.

School districts must be encouraged, not mandated, to start "Tough Love Academies." These alternative schools would be staffed by a different type of teacher, perhaps retired Marine drill sergeants, who understand that discipline and love go hand-in-hand.

If we are going to save a generation of young people, our children must know they will face bad consequences for bad behavior. Sadly, too many youths are not getting that message. Too many juveniles do not respect the law.

Our new juvenile justice system must say to our children: We love you, but we are going to hold you accountable for your actions.

To send that message, Texas must immediately confront the critical shortage of juvenile detention beds. We must be smart and creative by converting existing space to house violent juveniles.

We also must build community-based boot camps and detention centers. I envision a juvenile detention system that requires juvenile offenders to perform community service as part of their sentences.

I commend Senator Harris and Representative Goodman for their efforts to rewrite the juvenile code. Texas must lower to 14 the age at which the most violent juveniles can be tried as adults. We should expand the determinate sentencing statute. And our law enforcement and education officials must have the ability to share juvenile information and records across jurisdictional boundaries.



Discipline, strong values, and strict rules go hand-in-hand with our love for our children. And make no mistake, these reforms are designed to save children. I believe they can be saved.

In contract, many adult criminals are beyond rehabilitation. It is our obligation to keep them behind bars and away from our schools and our communities. Texans have made it clear they want the most violent criminals to serve their full sentences. Senator Shapiro, I commend you for your work to end parole for child molesters.

We must put a stop to the mandatory early release program that lets criminals out even though the parole board says no. Texans expect responsible Texas officials, not a mathematical formula, to decide when and if a convict should be released.

I commend Senator Montford and Representative Gallego on their proposals to stop the endless legal delays for death row inmates. Death row inmates are entitled to a fair hearing, but their appeals must be streamlined so justice is swift and sure.

We must also fine-tune the new penal code. Senator Whitmire, I agree with you that Texas must increase penalties for criminals who assault law enforcement officials and give judges and juries more discretion in sentencing criminals. Drug dealers and other repeat offenders should face the prospect of hard prison time if they continue to flaunt the law.

Finally, I want to work with you to change a system that has not worked.

The present welfare system rewards illegitimacy, diminishes the motivation to work, and robs Texans of dignity and self-worth. We must end dependency on government and liberate people to achieve their highest potential.

We should seek waivers from the federal government to allow Texas to change the current welfare system. To encourage work and initiative, we should limit welfare benefits to two years for the able-bodied who do not have young children. We should require all welfare recipients to work, learn, or train in preparation for their day of independence. And Texas must send a clear message to welfare recipients: If you choose to have additional children beyond two while on welfare, that's your right, but the taxpayers of Texas will not provide additional money to encourage you to do so.

We can break the cycle of dependency. But we must also take steps to protect the children who are often the silent victims of irresponsibility.

To encourage more nurturing families, we should require teenage mothers on welfare to live with their parents or in another supervised setting. And we should insist welfare recipients immunize their children and enroll them in preventive health programs so the next generation of Texans has a healthy start.

Finally, Texas must hold parents responsible for supporting their children. We should require mothers to identify the fathers of their children before receiving welfare benefits. And I repeat my call that Texas should suspend any license issued to those who do not pay court-ordered child support: driver's license, doctor's license, lawyers's license, and even hunting and fishing licenses.

The skeptics say, "Governor, if you take away our licenses, we won't be able to earn a living to pay child support." To those parents, I have a simple response: pay up. For many years, you have had your licenses as well as your opportunity to fulfill your responsibility to your children. Texas' patience has run thin. No more excuses.

Welfare reform, juvenile justice reform, tort reform, and local control of our schools. Those are the four issues I focused on during my campaign, the four major reasons I was elected governor. These are profound issues which will change Texas for the better. These are systemic changes which are long overdue.

The other day a couple of Capitol reporters said they were tired of hearing about the same four goals. I admit, I have been talking about them in almost every speech. The reporters said they were ready for goal number five. So here it is: Number five is pass the first four.

You and I know that people have become cynical. It has happened partly because government has tried to do too much. It has also happened because people run for office saying one thing and then do another, I intend to keep my word.

I know there will be many other important issues that will face this legislature during the next four months. I look forward to working with you. You should know that my decision to support or oppose a bill will be based on whether it is consistent with my philosophy of limited government, personal responsibility, strong families, and local control.

Our work will be guided by principle, a spirit of cooperation, and the knowledge that we are all working for the best interests of the people of Texas.

As we work to create a leaner, more responsible government, we must not forget that state employees are partners in this mission. Most state employees are decent, hard-working people. When we discover inefficiencies in government, we should have the courage to change the system, not blame the people.

Together, we can make Texas a beacon state. A state where our laws encourage jobs and justice. A state where government frees our greatest resource—our people—to achieve their highest potential. A state where people feel safe in their communities, and all people know the consequences of committing a crime are swift, sure, and outweigh any potential reward. A state where our children receive an excellent education so they have the skills to compete in the next century. And a state where each citizen accepts responsibility for his or her behavior.

Governor Bullock, Speaker Laney, members, we can and we will work together to create this beacon state. Our vision is clear and bright. We must act boldly.

I look forward to working with you and God bless Texas.

### **SENATE ADJOURNS**

At 11:29 a.m., Lieutenant Governor Bullock stated that the business of the joint session had been accomplished and that the senate would, in accordance with a previous motion, stand adjourned until 11 a.m. tomorrow.

### **HOUSE AT EASE**

Speaker Laney stated that the business of the joint session had been completed and the house would stand at ease pending the departure of the guests.

The speaker called the house to order at 11:35 a.m.

### **RULES SUSPENDED**

Representative Black moved to suspend the 5-day posting rule to allow the Committee on House Administration to consider **HB 2, HCR 22, HR 7, and HR 65.**

The motion prevailed without objection.

### **COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

House Administration, 2 p.m. today, E2.010, Capitol Extension, to consider **HB 2, HCR 22, HR 7, and HR 65.**

Public Health, on adjournment today, E2.016, Capitol Extension, for an organizational meeting.

Appropriations, Subcommittee on General Government, 1:30 p.m. today, E1.030, Capitol Extension.

Appropriations, Subcommittee on Regulatory Agencies, 1:30 p.m. today, Room 103, Reagan Building.

### **ADJOURNMENT**

Representative Gallego moved that the house adjourn until 10 a.m. tomorrow.

The motion prevailed without objection.

The house accordingly, at 11:38 a.m., adjourned until 10 a.m. tomorrow.

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### **APPENDIX**

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### **SENT TO THE GOVERNOR**

February 6 - **HCR 5**

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